IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4652 of 2002
Date of Decision.30.06.2014

Lajwanti and others .....Appellants

Versus

Baljit Singh and others .....Respondents

Present: Mr. K.S. Dhanora, Advocate
for the appellants.

None for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J.

1. The appeal is for enhancement of claim for compensation for death of a male aged 42 years. The claimants were widow and two sons. He was said to be running a shop of ear rings. The evidence of the widow was that her husband was earning ₹ 6,000/- to ₹ 7000/- per month. The Tribunal took the income of the deceased as ₹ 2700/-, applied a multiplier of 13 and assessed a compensation of ₹ 3,05,000/-. I will take the same income as taken by the Tribunal but I will also provide for prospect of future increase of 30%. I will also give a larger slice for loss of consortium and for loss of love and affection as provided by some recent decisions of the Supreme Court. I will rework the compensation and tabulate the various heads of claim as under:-

FATAL ACCIDENT Brij Mohan 9.12.2000			
Age	42 years		

Kamboj Pankaj Kumar
2014.07.02 09:55
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FATAL ACCIDENT Brij Mohan 9.12.2000			
Occupation	Shop of ear rings		
Claimants	Widow and 2 sons		
	Heads of claim	**Tribunal**	**High Court**
Sl. No.		Amount (Rs)	Amount (Rs.)
1	Income	2700	2700
2	Add, % of increase 30%		3510
3	Less, Deduction 1/3rd		2340
4	Multiplicand (annualized by multiplying 12)		28080
5	Multiplier	13	14
6	Loss of dependence	2,80,800	3,93,120
7	Medical Expenses & Transportation		
8	Loss of Consortium		1,00,000
9	Loss of love and affection		1,00,000
10	Loss to estate		5000
11	Funeral expenses		10,000
	Total	**3,05,800**	**6,08,120**

2. The total compensation payable shall be ₹ 6,08,120/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment. The entitlement shall be distributed equally amongst the claimants. The liability shall be in the same manner as determined by the Tribunal.

3. The award stands modified and the appeal is allowed to the above extent.

(K. KANNAN)
JUDGE

June 30, 2014
Pankaj*

Kamboj Pankaj Kumar
2014.07.02 09:55
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integrity of this document
Chandigarh